



STATE OF DELAWARE
DEPARTMENT OF SAFETY AND HOMELAND SECURITY
COUNCIL ON POLICE TRAINING
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C.O.P.T. MEETING MINUTES

Tuesday, July 19, 2016

9:00 a.m.

Delaware State Police Academy
Route 13, Dover, Delaware State Police

I. Meeting called to order by Chairman Schiliro at 9:00 a.m.

II. Those in attendance were:

MEMBERS

Mr. Lewis D. Schiliro – Chairman, Council on Police Training
Major Robert A. Hudson II – Proxy for Colonel Nathaniel McQueen, Delaware State Police
Captain Stephen Misetic – Proxy for Chief Bobby Cummings, Wilmington Police Department
Captain Laura O'Sullivan – Proxy for Chief Elmer Setting, New Castle County Police Department
Chief Paul Bernat – Dover Police Department
Deputy Chief Mark Farrall – Proxy for Chief Paul Tiernan, Newark Police Department
Dr. M. Dean Betts – Proxy for Mark T. Murphy, Secretary of Education
Mayor Robin R. Christiansen – Mayor of the City of Dover
Mayor William West – Mayor of the Town of Georgetown
Chief William Bryson – Chairperson, Delaware Police Chiefs' Council

ADMINISTRATOR

Captain Sean E. Moriarty – Delaware State Police

LEGAL COUNSEL

DAG Rae M. Mims – Department of Justice

GUESTS

Lieutenant Douglas P. Deveney – Delaware State Police
Lieutenant Joseph J. Spagnolo – Delaware State Police
Corporal Kelli R. Burns – Capitol Police Department
Art Jenkins – Office of the Controller General

III. Review and approval of April 19, 2016, C.O.P.T. meeting minutes

Chairman Schiliro entertained a motion to approve the minutes of the April 19, 2016, meeting.

A motion was made by Mayor Christiansen to approve the minutes of the April 19, 2016, meeting.

Seconded by Dr. Betts; approved unanimously.

IV. Reactivation of Officers

A. Captain Moriarty presented Jonathan R. Andrews II from the Clayton Police Department for reactivation. He was formerly with the Smyrna Police Department.

Chairman Schiliro entertained a motion to approve Jonathan R. Andrews II for reactivation.

A motion was made by Mayor Christiansen to approve the reactivation of Jonathan R. Andrews II.

Seconded by Chief Bernat; approved unanimously.

V. Certification of Officers

A. Ivan E. Barkley Sr. ~ Chief, Delmar PD

Captain Moriarty presented Ivan E. Barkley Sr. from the Delmar Police Department for certification.

Chairman Schiliro entertained a motion to approve Ivan E. Barkley Sr. for certification.

A motion was made by Mayor Christiansen to approve the certification of Ivan E. Barkley Sr.

Seconded by Chief Bernat; approved unanimously.

B. Keith S. Buscemi ~ Smyrna PD

Captain Moriarty presented Keith S. Buscemi from the Smyrna Police Department for certification.

Mr. Buscemi was a Sheriff with the Queen Annes County, Maryland, Police Department and went through their academy and has applied to the Smyrna Police Department.

Chairman Schiliro entertained a motion to approve Keith S. Buscemi for certification.

A motion was made by Mayor West to approve the certification of Keith S. Buscemi

Seconded by Chief Bryson; approved unanimously.

C. Tel R. Clayton ~ Milford PD

Captain Moriarty presented Tel R. Clayton from the Milford Police Department for certification.

Chairman Schiliro entertained a motion to approve Tel R. Clayton for certification.

A motion was made by Dr. Betts to approve the certification of Tel R. Clayton

Seconded by Mayor West; approved unanimously.

D. 42nd New Castle County Police Academy Class, graduating July 21, 2016

<u>NAME</u>	<u>COPT #</u>	<u>DEPARTMENT</u>
Berg, John P.	5209	New Castle County PD
Daly, James E.	5210	New Castle County PD
Delisi, Antonino	5211	New Castle County PD
Dool, Kevin M.	5212	DNREC F&W
Emmi, Ian D.	5213	New Castle County PD
Hill, Robert C.	5214	New Castle County PD
Hunt, Drew C.	5215	New Castle County PD
McCloskey, Earl M.	5216	Delaware City PD
McLaughlin, Brian J.	5217	New Castle County PD
Mills, Dominick K.	5218	Newport PD
Osborne, Michael E. Jr.	5219	New Castle County PD
Phelps, Justin T.	5220	New Castle County PD
Randazzo, Anthony M. Jr.	5221	New Castle County PD
Ruszkay, Paul T.	5222	New Castle County PD
Sapp, Shane R.	5223	DNREC F&W
Savino, Matthew R.	5224	New Castle County PD
Sigoda, Taylor R.	5225	New Castle County PD
Skrobot, Christopher N.	5226	New Castle County PD
Snyder, Mitchell P.	5227	New Castle County PD
Tyndal, Nicholas A.	5228	New Castle County PD
White, Trevor C.	5229	Dewey Beach PD

Captain O'Sullivan presented the members of the 42nd New Castle County Police Academy Class named above for certification. They have all passed the COPT test and they are all approved to graduate this Thursday, July 21, 2016.

Chairman Schiliro entertained a motion to approve the certification of officers in the 42nd New Castle County Police Academy Class named above.

A motion was made by Chief Bernat to approve the certification of officers named above.

Seconded by Chief Bryson; approved unanimously.

VI. Decertification of Officers

A. Andrei Martinez ~ Delaware State Police

Captain Moriarty presented Andrei Martinez from the Delaware State Police for decertification. The hearing board recommended the decertification of Andrei Martinez based on the criminal conduct.

Major Hudson & Mayor Christiansen recused themselves from voting on the decertification of Andrei Martinez. The final decision order from the Decertification Hearing Board was passed around for signatures.

Chairman Schiliro entertained a motion to approve Andrei Martinez for decertification.

A motion was made by Chief Bryson to approve the decertification of Andrei Martinez.

Seconded by Dr. Betts; approved unanimously.

B. Michelle Lee ~ Wilmington PD

Captain Moriarty presented Michelle Lee from the Wilmington Police Department for decertification.

Captain Misetic said Lee was having some issues with firearms and they thought they could get her over the hump and never did. She was allowed to take the COPT test without having successfully completed firearms training. She was approved for certification at the July 28, 2015.

Question: Can we decertify pending successful completion of requirements?

Answer: No, because she did not graduate. Firearms is one of the mandated requirements. We can suspend or revoke her certification.

Captain Misetic said she's currently a civilian employee and does want to become a police officer with some agency.

Chairman Schiliro entertained a motion to suspend the certification of Michelle Lee for a period of one year pending successful completion of the firearms requirement. If not met in one year, the suspension will be rescinded and consideration be given for decertification.

A motion was made by Mayor Christiansen to suspend decertification of Michelle Lee for one year.

Seconded by Dr. Betts; approved unanimously.

C. Lee J. McDaniel ~ Millsboro PD

Captain Moriarty presented Lee J. McDaniel from the Millsboro Police Department for decertification.

Chairman Schiliro entertained a motion to approve Lee J. McDaniel for decertification.

A motion was made by Mayor Christiansen to approve the decertification of Lee J. McDaniel.

Seconded by Chief Bryson; approved unanimously.

VII. Old Business

A. David L. Baylor ~ Update

Captain Moriarty has given an updated letter to Mr. Baylor outlining all the training he needs to complete and he is working on it.

B. Manpower Survey ~ Update

All surveys were returned and the 2015 survey is complete.

DAG Mims presented her first draft for revising the Manpower Survey. She is looking for feedback from the members. Please send your feedback to Captain Moriarty or DAG Mims via e-mail. The COPT is responsible for making sure officers in the State maintain certifications. She wants to make sure we are tracking what needs to be tracked.

She added in to track the two requirements that came up on the last year or two for 1.5 hours for child sexual and physical abuse required every 3 years under HB 457 and 2 hours for sexual assault required every 4 years under HB 2.

She added in to track the dates of all three shoots and which of the three was the low light, the minimum score and the date of the patrol rifle if applicable. Need to add dates for all three patrol rifle shoots. There is also shotgun. Suggestion to have checkboxes for handgun, shotgun and patrol rifle.

Internal Affairs ~ Concerns if an agency decides they have this and they don't do anything to the officer. An agency may choose not to do anything when they have a misdemeanor or a felony, but it is a decertification issue for this Board and this Board needs to know that. Also, if there is a (psych-related) fitness for duty issue, the Board needs to know what is going on with the officers of this State. The agency may think it's not an issue but the Board may think it's an issue. LEOBOR may protect the privacy concerns of the officer. Items can be

redacted. On the last column, have them attach documentation rather than explain on the survey.

Instructor Certifications ~ The Board should know what the instructors are doing. The original survey asked if you are an instructor and the original date. The new survey asks what type of certification, e.g. general, specialized or both, and to list specialties. It also asks the name of the certifying agency, the courses instructed and the academy, how many times/courses taught in the last three years, and where do you primarily teach.

Firearms Instructors ~ Firearms instructors can be decertified. She put some of the questions that are in the regulations on the survey. We should be getting updated training documents.

Status Changes ~ Same as we have always had.

She would like to have the survey finalized to send out in January 2017. In 2018, she would like to start doing audits.

Question: Is there a way to do the survey electronically rather than an Excel spreadsheet?

Answer: Maybe DELJIS might be able to do something uniform for all departments. This is something to look into.

C. COPT Award ~ Update

Captain Moriarty presented recommendations for the selection process of this award.

Questions: Who should be able to submit the nominations; is it anyone, the chief or commanding officers? Answer: From the chiefs, the Superintendent, Directors of Training; someone in the Firearms Unit; or someone who has been outside and brought back a particular program into the State of Delaware.

Should we have a selection committee from the Council, or we have a small enough Council, the whole Council? Answer: Need to see how many nominees come in whether the COPT selects or need a sub-committee to submit recommendations.

We need to develop the application form if this is something you like.

VIII. New Business

A. Elect Vice-Chairman

Chairman Schiliro asked for nominations and/or volunteers. There were no nominations. Chief Bryson volunteered and Major Hudson seconded; all approved.

B. ALERRT Training

Lieutenant Deveney reported over 1,700 officers were trained last year in ALERRT. It is manpower intensive as far as instructors. New Castle County PD, DSP, Dover PD, other agencies and Chief McLaughlin assisted with instruction. There are approximately 500 more officers who need to be trained in ALERRT. NCCPD and DSP trains their recruits in ALERRT. Mike Ballard (Wilmington PD) asked if DSP would come up in February to assist their academy class. These tactics can be used in any form of law enforcement, not just active shooter. ALERRT requires a minimum of 24 participants to run a class and is funded by the federal government if there are multiple departments involved. We have 48 ALERRT instructors in the state.

A motion was made by Chief Bryson to mandate all COPT-approved academies to add 16 hours of ALERRT training in their training curriculums effective August 1, 2017, and incumbent officers are required to have completed 16 hours of ALERRT training no later than December 31, 2017. Seconded by Chief Bernat; approved unanimously.

C. Firearms Instructor Recertification ~ Discussion

The Attorney General's Office will not allow retired COPT firearms instructors to qualify individuals for concealed carry permits. Secretary Schiliro asked for a list of current active certified firearms instructors. We intend to decertify if they are not current in their recertification. DAG Mims does not recommend the COPT certify retired police officers as firearms instructors.

Chief Bryson said at the last firearms instructor update held at Wilmington, there was a question about standards that were presented before the COPT and approved on July 19, 2011. There was a question whether it has actually been approved by COPT on obtaining an 80% qualification score on a minimum of three separate COPT qualification courses for academy-level training. The question at the update was not everybody is using this as the standard for academy-level training. Chief Bryson's interpretation is it is just a matter of the regulations not being updated, which we know is an issue.

DAG Mims said there is a process to update regulations. She will put everything together and then provide it to the Registrar of Regulations to update the Administrative Code.

Chief Bryson said a committee will be formed from major departments and a representative from each county to look at different firearms changes to bring to the COPT. Just to make sure what we have is what everybody has and that everybody is using the same thing.

D. AG Denn / Wilmington PD ~ Use of Force Training

AG Denn / Wilmington PD ~ Use of Force – Chairman Schiliro would like to invite someone from the AGs office to discuss their finding of lack of training in the McDole report of the Wilmington shooting. The report was critical of the training the officers received or didn't receive. The COPT sets minimum standards for training of police officers in the State of Delaware. We have an obligation to find out what, if anything, we failed to meet in terms of training. AG Denn said to the Police Chiefs' Council that police officers are within the law for use of force, but more de-escalation training is needed. DAG Mims said to keep it neutral and not politicize it.

Chairman Schiliro entertained a motion to generate a letter signed by the Chair inviting the Attorney General or his staff to the October meeting to discuss as much as they could about their findings on training.

A motion to invite the AGs office to the next COPT meeting was made by Mayor Christiansen and seconded by Captain Misetich; approved unanimously.

An e-mail will be generated to all the departments on the latest updates on ALERRT and the two bills and a letter to the Attorney General requesting they attend the October meeting to give us an update on their findings for training.

IX. Adjournment
Meeting adjourned at 11:08 a.m.

Next meeting: Tuesday, October 18, 2016, at the DSP Training Academy.